

**CLEARY GIACOBBE ALFIERI JACOBS, LLC**

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SUITE 200

MATAWAN, NEW JERSEY 07747

(732) 583-7474

Attorneys for Defendants Borough of Red Bank, Stanley Sickels, Art Murphy, Eugenia Poulous, and Tamila Bumback

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**MEMONE CRYSTIAN**

**IMMEE CRYSTIAN**

Plaintiffs,

vs.

**RED BANK BOROUGH, STANLEY  
SICKELS, ART MURPHY, EUGENIA  
POULOUS, TAMILA BUMBACK, AND  
JOHN DOES 1-10**

Defendants.

**NOTICE OF REMOVAL**

TO: CHIEF JUDGE GARRETT E. BROWN, JR. AND JUDGES OF  
THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ON NOTICE TO:

Theodore Campbell  
Law Offices of Theodore Campbell  
1050 George Street, Suite 3-0  
New Brunswick, NJ 08901

**PLEASE TAKE NOTICE** that Defendants, Borough of Red Bank, Stanley Sickels, Art Murphy, Eugenia Poulous, and Tamila Bumback (collectively known as the “Defendants”), notice the removal of this action, pursuant to 28 U.S.C. §§ 1331, 1332 and 1441, et seq., from the Superior Court of New Jersey, Monmouth County, Law Division to the United States District Court for the District of New Jersey, and as grounds therefore show as follows:

### **TIMELINESS OF REMOVAL**

1. On or about November 13, 2017, Plaintiffs, Memone Crystian and Simmee Crystian served a Summons and Complaint on the Borough of Red Bank (the “Borough”).
2. The Complaint contains six (6) Counts.
3. The Sixth Count entitled “Violation of Civil Rights Act of 1866” alleges: “the conduct of the defendants violates plaintiff’s rights under the Civil Rights Act of 1866 (42 USCA 1981). Defendant Borough of Red Bank is an employer within the meaning of 42 USCA SAec. 1981 and 1983.” (paragraph 2, Sixth Count).
4. The Supreme Court of the United States has affirmatively established that the thirty (30) day period to remove an action to federal court begins to run on the date of service of the Summons. Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 354 (1999).
5. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal has been timely filed within thirty (30) days after the named Defendants were served.

### **BASIS FOR REMOVAL**

6. This action is properly removable under 28 U.S.C. § 1441(a)-(c), because the United States District Court has original jurisdiction in this case under 28 U.S.C. § 1331, which provides as follows:

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

7. In the Complaint, Plaintiffs allege that Defendants violated Plaintiff’s civil and other rights granted by the Constitution of the United States pursuant to 42 U.S.C. § 1981 and § 1983, and otherwise. See Exhibit A, Complaint, Count Six.

8. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

9. Moreover, this Court has supplemental jurisdiction over Plaintiffs' various pendent state law claims pursuant to 28 U.S.C. § 1367.

10. Defendants have not previously sought similar relief.

WHEREFORE, Defendants, Borough of Red Bank, Stanley Sickels, Art Murphy, Eugenia Poulous, and Tamila Bumback, respectfully request this Honorable Court take jurisdiction of this action and issue all necessary orders and process to remove said action to the United States District Court for the District of New Jersey.

Respectfully submitted,

CLEARY GIACOBBE ALFIEIRI JACOBS, LLC  
Attorneys for Defendants, Borough of Red Bank,  
Stanley Sickels, Art Murphy, Eugenia Poulous, and  
Tamila Bumback

By: /s/Bruce W. Padula  
BRUCE W. PADULA

Dated: November 21, 2017

**LOCAL CIVIL RULE 11.2 CERTIFICATION**

I, Bruce W. Padula, Esq., counsel for Defendants, Borough of Red Bank, Stanley Sickels, Art Murphy, Eugenia Poulous, and Tamila Bumback, certify that the matter in controversy is not the subject of any other action pending in any court nor any pending arbitration or administrative proceeding.

Cleary Giacobbe Alfieri Jacobs, LLC  
Attorneys for Defendant, Borough of Red Bank,  
Stanley Sickels, Art Murphy, Eugenia Poulous, and  
Tamila Bumback

By: /s/Bruce W. Padula  
BRUCE W. PADULA

Date: November 21, 2017

**CERTIFICATION OF SERVICE**

I hereby certify that I caused to be served copies of this Notice of Removal via overnight delivery on this 21<sup>st</sup> day of November, 2017 on:

Theodore Campbell  
Law Offices of Theodore Campbell  
1050 George Street, Suite 3-0  
New Brunswick, NJ 08901

I hereby certify that I filed a copy of this Notice of Removal with the Clerk of the Superior Court of New Jersey, Monmouth County Courthouse, and thereby served upon the same on this 21<sup>st</sup> day of November, 2017.

By: /s/Bruce W. Padula  
BRUCE W. PADULA

Dated: November 21, 2017

# EXHIBIT A

RECEIVED &amp; FILED

NOV 13 2017

BOROUGH CLERK'S OFFICE  
RED BANK, NEW JERSEY

THEODORE CAMPBELL  
Bar No.: 022511981  
Law Offices of Theodore Campbell  
1050 George Street Suite 3- O  
New Brunswick, NJ 08901  
732-828-4393  
Attorney for Plaintiff

MEMONE CRYSTIAN  
SIMMEE CRYSTIAN

Plaintiffs

vs.

RED BANK BOROUGH, STANLEY SICKELS,  
ART MURPHY, EUGENIA POULOUS, TAMILA  
BUMBACK AND JOHN DOES 1-10  
Defendants

SUPERIOR COURT OF NEW JERSEY  
MONMOUTH COUNTY

LAW DIVISION

DOCKET NO: MON-L-1982-17

CIVIL ACTION  
SUMMONS

The State of New Jersey, to the Above Named Defendant

**Red Bank Borough (Monmouth County)**

The Plaintiff, named above has filed a lawsuit against you in the Superior Court of New Jersey. The complaint Attached to this summons states the basis for this Lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer or Motion and proof of service with the deputy Clerk of the Superior Court in the county listed above within 35 days from the date you received this Summons, not counting the date you received it. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court) must accompany your Answer or Motion when it is filed. You must also send a copy of your Answer or Motion to Plaintiff's attorney whose name and address appear above. A telephone call will not protect your rights: you must file and serve a written Answer or Motion if you want the court to hear your defense.

If you do not file and serve a written Answer or Motion within 35 days, the court may enter a judgment against you for the relief Plaintiff demands, plus interest and cost of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

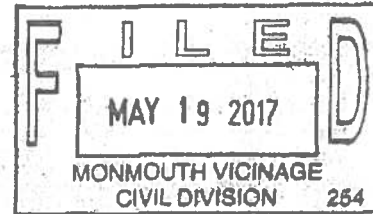
If you cannot afford an attorney, you may call the Legal Service office of the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. Phone numbers for the Lawyer Referral Service in the county in which this action is pending are: (732) 240-7491 and Legal Services Office (732) 431-5544.

Dated: October 11, 2016

*Michelle M. Smith*  
MICHELLE M. SMITH  
Clerk of the Superior Court

Name of Defendant to be served: **Red Bank Borough**  
Address of Defendant to be served: Clerk  
90 Monmouth Street, 2<sup>nd</sup> Floor  
Red Bank, NJ 07701

THEODORE CAMPBELL  
I.D.# 022511981  
Law Offices of Theodore Campbell  
1050 George Street Suite 3-O  
New Brunswick, NJ 08901  
732-828-4393  
Attorney for Plaintiff



MEMONE CRYSTIAN

SIMMEE CRYSTIAN

Plaintiffs

vs.

RED BANK BOROUGH,  
STANLEY SICKELS, ART  
MURPHY, EUGENIA POULOUS,  
TAMILA BUMBACK, AND  
JOHN DOES 1-10

Defendants

SUPERIOR COURT OF NEW  
JERSEY

MONMOUTH COUNTY  
LAW DIVISION

DOCKET NO:

*L-1982-17*

CIVIL ACTION

COMPLAINT AND JURY  
DEMAND

Plaintiff, Memone Crystian and Simmee Crystian reside in the Borough  
of Red Bank, County of Monmouth, State of New Jersey:

FIRST COUNT  
(Parties)

1) The plaintiff, Memone Crystian, was hired and appointed as Director  
of the Parks and Recreation for the Borough of Red Bank on April 27, 2010..

2) Plaintiff has been married to Simmee Crystian for sixteen years.

3) The Defendant, Red Bank Borough is a municipal corporation organized and existing under the laws of the State of New Jersey, located at 90 Monmouth St., Red Bank, New Jersey.

4) At all times hereinafter-mentioned Parks and Recreation is a Department within the Borough of Red Bank.

5) At all times hereinafter-mentioned Stanley Sickels is the Borough Administrator.

6) At all times hereinafter-mentioned Art Murphy is an elected councilman for the Borough of Red Bank.

6a) At all times hereinafter-mentioned Eugenia Poulous is the Chief Financial Officer (CFO) for the Borough of Red Bank.

6b) At all times hereinafter-mentioned Tamila Bumback is an employee of the Borough of Red Bank.

#### FACTUAL ALLEGATIONS

7) Memone Crystian, Plaintiff herein became employed by the Borough of Red Bank on or about April of 2010 to the position of Director of Parks and Recreation. As Director, plaintiff reported directly to Stanley Sickels (Borough Administrator).

8) Plaintiff terminated her employment with the Borough on or about May 22, 2015 after years of being subjected to a hostile work environment generated by her supervisors, the named defendants herein.

9) Crystian was selected for the position of Director by-way of an interview process conducted by the Parks and Recreation Council Committee. This Committee consisted of the three council members; namely, Juanita Lewis as Chair, Councilwoman Sharon Lee and Councilman Art Murphy.

10) Plaintiff was informed during and after her selection by the Council Committee that Councilman Murphy was strongly opposed to her selection and sought to alter or adopt a new process whereby the full Council could review the qualifications of the candidates prior to selection. However, Murphy was overruled by committee members.



11) Plaintiff believes and avers that defendants, Sickels, Murphy and other defendants engaged in calculated negative actions and conduct toward her throughout her tenure to create stress, anxiety and her ultimate failure thus prompting Crystian's constructive termination.

12) Plaintiff believes their actions were motivated by her race and gender as an African American female. Plaintiff has been told by others who either were employed or are currently employed (including volunteers) by the Borough that both Sickels and Murphy have either made or entertained bias racist comments, some of which were directed at plaintiff.

13) For example, defendant Sickels, upon coming to a meeting at one of the Fire Department buildings in the Borough, prior to plaintiff's employment, reportedly stated; "I just had a meeting with them niggers at DPW", Department of Public Works. When questioned about the comment by one of those present, Sickels then attempted to recant.

14) Defendants Murphy and Sickels reportedly stated in the presence of another council member at a local eatery "give her a bucket of fried chicken and make her happy", referring to plaintiff. That statement was made in the spring of 2015.

15) Additionally, some of defendant Murphy's relatives associated with the Borough have stated publicly that Art Murphy repeatedly voiced a desire to terminate plaintiff's employment. Sean Murphy, the brother of Art and a member of the Parks and Recreation Community Council Committee stated to others, "I can't believe they hired that black bitch to the Parks and Recreation Director".

16) Examples of the negative treatment directed at plaintiff from the beginning and throughout her tenure are exemplified in the following paragraphs.

17) Art Murphy, who sat on the Parks and Recreation Counsel Committee for several years during plaintiff's tenure, failed to attend any of the Committee meetings and Advisory Committee meetings (70 in number) except two; but yet defendant Murphy told citizens of the Red Bank Community throughout her tenure that he (Murphy) is seeking to get rid of Crystian.

(18) After Crystian was selected as Director by the Township (Borough) Council and she (Crystian) began negotiating the terms of her employment and

salary with Stanley Sickels, Crystian requested the same starting annual salary as that of her predecessor. Sickels refused, indicating that as a new Director she would have to work-up to a higher salary while stating; "we don't do that we tend to start at a salary rate lower than the person in the position before you". Crystian was also told a college degree is required to fill the position.

(19) The two agreed on \$65,000 as the starting annual salary. When Crystian first spoke with Human Resources about the salary, Crystian was told Sickels stated it was \$63,500 and \$1,500 toward the medical expense. Crystian stated that was not the agreed amount and refused to accept that unilateral change by Sickels. Sickels ultimately relented and \$65,000 was her starting salary. It is noteworthy that Crystian's replacement as Acting Director, Tamila Bumback began receiving the same annual salary (\$71,000) as Crystian when Crystian quit her position. Also, Bumback did not have a college degree.

(19a) It is noteworthy that Bumback received a higher salary upon being hired than that of her predecessor. In fact Sickels was reluctant to pay the rate Bumback received until plaintiff informed him she is Caucasian.

(20) Sickels later boasted to the local newspaper that "We got her at a bargain price; the position was budgeted for \$75,000 so we got her for \$10,000 less.

(21) Crystian was not allowed to participate in the state pension program as a public employee. The only Director for the Borough and full time employee of the Borough to which that distinction applied. Indeed when the Administrators for the New Jersey Division of Pensions and Benefits decided Crystian and Eva Biviano, Human Resource Manager should be allowed to participate in the program the year of 2014 the Borough Administrator by-way of the Chief Financial Officer (CFO), Eugenia Poulous, decided to appeal that decision seeking a reversal.

(22) It is noteworthy that the Borough Administrator did not appeal the Division of Pensions decision to allow Human Resource Manager's, Eva Biviano participation in the pension, which occurred at the same time. Biviano is Caucasian.

(23) Crystian was out on medical leave from her position as Director during the year(s) 2012 for six (6) weeks and 2014 for approximately four (4) months. Crystian was not allowed to use her significantly accumulated flextime (one hour leave time for one hour of overtime) during her medical

leaves, although she had 22 weeks of flex time during her first medical leave in 2012.

(24) Sickels, sent Crystian an e-mail when she attempted to use her flex time announcing a new policy; that as a non-union employee she could only use the accumulated flex time within a week of accumulating it. This new policy was not in the HR handbook and was the first time plaintiff was made aware of it. Plaintiff believes she was the first employee subjected to this alleged policy change.

(25) For example, Crystian's secretary, Tamila Bumback, was allowed to use comp time (same as flex time for union employees) when she (Tamila) was out on medical leave in 2014.

(26) Additionally, Sickels told plaintiff at their initial meeting after her appointment/hire as Director, that he was looking for someone to work 14-15 hour days and not have to worry about taking care of children. Therefore, plaintiff was expected to work nights, holidays, weekend and often worked 60 hours or more each week.

(27) However, that policy did not apply to Tamila Bumback who assumed the position of Acting Director during plaintiff's medical leave the 4-5 months of 2014. Bumback told plaintiff in conversations during her leave that Sickels allowed her to leave at 5:00 p.m. Tamila Bumback is Caucasian. It is also noteworthy that Bumback received a 5% increase in pay during the same period which was the first time a secretary in the Borough received an increase in pay while substituting for her supervisor on leave, according to Sickels.

(28) Throughout Crystian's tenure, administrative funds were withheld from the Parks and Recreation Department, although budgeted for use.

(29) For example, Crystian's predecessor and successor had for use at least one fairly new recreation van for activities along with an assigned personal vehicle for business use in the Borough and across Monmouth County. Crystian was required to use the same 15 passenger van used by her predecessor, which had become old and in need of constant repair, for both activities and business throughout the Borough and the County. Indeed, plaintiff's successor has been provided with three (3) recreation vans and a SUV Durango for Parks and Recreation business use.



(30) Another example of harassment involves Chief Financial Officer (CFO) Eugenia Poulous, who reported directly to defendant Sickels. Poulous repeatedly and consistently reported to the Borough's Council during Poulous's tenure 2013-2015, also to the Mayor and Parks and Recreation Council Committee that the Parks and Recreation budget was vastly overrun which was false. Sickels would then follow with memos instructing plaintiff to cease certain planned activities. Plaintiff would also get questions and comments from Council members about the budget.

(31) Plaintiff would then have to respond to all the appropriate parties and demonstrate that her analysis for planned activities were all within the budget.

(32) In fact, plaintiff had a stellar four year audit history as the Director. Nevertheless in the spring of 2015, Sickels with Poulous as Liaison between the Borough and Auditor initiated a grueling extensive audit that consumed several days, unlike the prior audits the Department had undergone during plaintiff's tenure.

(33) The Auditor told Crystian that she did very well and that he had informed the Administration that she cleared up the problems created by her predecessor. The Auditor was referring to a prior extensive audit conducted in 2009, prior to plaintiff's employment which was termed a special audit and the basis upon which Sickels terminated the previous Director, according to information learned by the plaintiff.

(34) It is noteworthy that Sickels never provided Crystian with the results of that intense special audit conducted in 2009 with its critical analysis and constructive criticism to assist Crystian in preparing for the intense audit she had to undergo as Director in 2015, an audit that Sickels apparently initiated.

(35) Crystian also complained during her tenure that her Department was understaffed; but her complaints and requests for assistance were ignored. Crystian had to utilize volunteers to conduct Parks and Recreation business and activities.

(36) Sickels would have multiple excuses for his failure to hire a full staff for plaintiff's Department.

(37) It is noteworthy that former Acting Director, Tamila Bumback, was given a full paid staff upon taking over for plaintiff in May of 2015.

Thereafter, the plaintiff's successor was also provided with a full paid staff upon being appointed Director, in 2016.

(38) As a general proposition, plaintiff faced opposition from Sickels, Murphy and some other Council members when she attempted to initiate programs for the benefit of Red Bank's youth and adult communities. Sickels would often discourage activities and programs for ethnic minorities.

(39) Sickels and Murphy seemed more concerned about the youths from neighboring towns and their ability to use Red Bank facilities.

(40) So it came as no surprise to plaintiff when Sickels made the obscene cutthroat gesture while glaring at plaintiff during Juanita Lewis's re-election event. Lewis lost her bid for re-election, but Sickels while embracing Juanita Lewis after Lewis's apparent loss looked at plaintiff and ran his fingers across his throat as if to say your days are numbered as Director, now that your support is no longer on the Council.

(41) In January of 2017 newly elected Councilwoman, Linda Schwabenbaur, was appointed to chair the Parks and Recreation Council Committee and, as such, she became plaintiff's supervisor.

(42) In the spring of 2017, in a meeting between the two, Schwabenbaur told plaintiff that Sickels asked her to terminate plaintiff, but she did not have documented grounds to do so.

(43) Plaintiff recalls the conversation occurred before she (plaintiff) had any substantive meetings with Schwabenbaur.

(44) Plaintiff also recalls being told by Tamila Bumback, something similar when she (plaintiff) was out on medical leave.

(45) Apparently Sickels and Murphy had expressed to Bumback their desire to get rid of Crystian while Crystian was away on medical leave. Bumback told Crystian when Crystian returned from medical leave of the conversations and stated she was tired of being in the middle. Plaintiff perceives Bumback's demeanor toward her began to change after that conversation.

(46) Plaintiff believes all of the defendants actions enumerated above were intended to harass alarm and force her out as Director. Plaintiff believes her race and gender were motivating factors for those actions.

(47) As a result of the actions of the named defendants, plaintiff has suffered emotional, physical, and psychological harm, and interference with employment, which forced her to terminate her employment with the Borough of Red Bank.

(48) The above described conduct of the defendants constitutes unlawful discrimination against the plaintiff within the meaning of the New Jersey Law Against Discrimination, N.J.S.A. 10-5-1 et.seq.

WHEREFORE, Plaintiff demands judgment on this count against any and all Defendants for compensatory damages, including lost wages, benefits, punitive damages, together with interest, attorney fees, cost of suit, and any further relief the court deems equitable and just.

**SECOND COUNT**  
(Intentional Infliction of Emotional Distress)

1. Plaintiffs repeat the allegations of the previous counts of the complaint and incorporate same herein by reference.

2. The conduct of the Defendants constitutes the intentional infliction of emotional distress against the plaintiff, Memone Crystian

WHEREFORE, Plaintiff demands judgment on this count against any and all Defendants for compensatory damages, including lost wages, benefits, punitive damages, together with interest, attorney fees, cost of suit, and any further relief the court deems equitable and just.

**THIRD COUNT**  
(PER QUOD Claim)

1. Plaintiffs repeat the allegations of the second count of the complaint and incorporate same herein by reference.

2. At all relevant times herein Simmee Crystian was the husband of Plaintiff Memone Crystian.

3. As a proximate result of the above described conduct and actions of the Defendants, Simmee Crystian has suffered loss of society and consortium as well as personal emotional anxiety.



WHEREFORE, Plaintiff demands judgment on this count against any and all Defendants for compensatory damages, including lost wages, benefits, punitive damages, together with interest, attorney fees, cost of suit, and any further relief the court deems equitable and just.

**FOURTH COUNT**  
(Constructive Discharge)

1. Plaintiffs repeat the allegations of the previous counts of the complaint and incorporate same herein by reference.

2. The conduct of the Defendants toward the plaintiff, Memone Crystian, constitutes a pattern of harassment extending over a period of time which forced her to terminate her employment.

3. Defendants actions against plaintiff Edelstein were discriminatory and in response to his efforts to process his rightful claims to workmen's compensation ultimately terminating his employment as an Edison fireman in violation of N.J.S.A. 3:15-39.1 et. seq.

WHEREFORE, Plaintiff demands judgment on this count against any and all Defendants for compensatory damages, including lost wages, benefits, punitive damages, together with interest, attorney fees, cost of suit, and any further relief the court deems equitable and just.

**FIFTH COUNT**  
(Aider and Abettor)

1. Plaintiffs repeat the allegations of the previous counts of the complaint and incorporate same herein by reference.

2. The named defendants aided each other in the harassment and creation of a hostile work environment for plaintiff. .

3. The conduct of Defendants violated plaintiff's rights under the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et. seq.).

WHEREFORE, Plaintiff demands judgment on this count against any and all Defendants for compensatory damages, including lost wages, benefits,

punitive damages, together with interest, attorney fees, cost of suit, and any further relief the court deems equitable and just.

**SIXTH COUNT**  
(Violation of Civil Rights Act of 1866)


1. Plaintiffs repeat the allegations of the previous counts of the complaint and incorporate same herein by reference.

2. The conduct of the defendants violates plaintiff's rights under the Civil Rights Act of 1866 (42 USCA 1981). Defendant Borough of Red Bank is an employer within the meaning of 42 USCA Sec. 1981 and 1983.,

3. WHEREFORE, Plaintiff demands judgment on this count against any and all Defendants for compensatory damages, including lost wages, benefits, punitive damages, together with interest, attorney fees, cost of suit, and any further relief the court deems equitable and just.


**JURY DEMAND**

Plaintiffs hereby demand trial by jury to all issues in this case.

  
Theodore Campbell, Esq.

**Designation of Trial Counsel**

Pursuant to Rule 4:25-4, Theodore Campbell is hereby designated as trial counsel for Plaintiffs in the within matter.

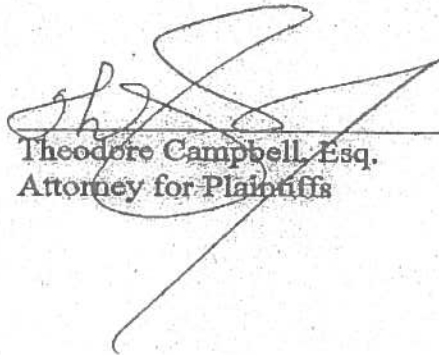
  
Theodore Campbell, Esq.



RULE 4:5-1 Certification




I hereby certify that the subject matter of the within complaint is not subject matter of any other lawsuit, arbitration proceeding or contemplated lawsuit or arbitration proceeding of which I am aware.

Dated: 5-19-17



Theodore Campbell, Esq.  
Attorney for Plaintiffs

## Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)		USE FOR DEPENDENT CASES ONLY	
 <p>Use for Initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed</p>		PAYMENT TYPE: <input type="checkbox"/> CK <input checked="" type="checkbox"/> CC <input type="checkbox"/> CA	
		CHG/CK NO.	
		AMOUNT:	
		OVERPAYMENT:	
		BATCH NUMBER:	
ATTORNEY / PRO SE NAME Theodore Campbell		TELEPHONE NUMBER (732) 828-4393	
FIRM NAME (if applicable) Law Offices of Theodore Campbell		COUNTY OF VENUE MONMOUTH	
OFFICE ADDRESS 1050 George Street Suite 3-0 New Brunswick, N.J. 08901		DOCKET NUMBER (when available)	
		DOCUMENT TYPE	
		JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) Memone Crystian, Plaintiff & Simmee Crystian		CAPTION Red Bank Borough, Stanley Sickels, Art Murphy, Eugenia Poulos, Tamila Bumback and John Does 1-10.	
CASE TYPE NUMBER (See reverse side for listing) 618	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
		IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input checked="" type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).			
ATTORNEY SIGNATURE: 			

Effective 10/01/2016, CN 10617

page 1 of 2

**SIDE 2**

# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1***CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)**Track I — 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 508 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

**Track II — 300 days' discovery**

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 602 ASSAULT AND BATTERY
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 699 TORT - OTHER

**Track III — 450 days' discovery**

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

**Track IV — Active Case Management by Individual Judge / 450 days' discovery**

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

**Mass Tort (Track IV)**

- |   |              |
|---|--------------|
| 240 REDUX/PHEN-FEN (formerly "DIET DRUG") | 601 ASBESTOS |
| 248 CIBA GEIGY                            | 619 VIOXX    |
| 264 PPA                                   |              |

999 OTHER (Briefly describe nature of action) \_\_\_\_\_

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

☐

Verbal Threshold

☐

Putative Class Action

☐

Title 59



JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
**MEMONE CRYSTIAN****SIMMEE CRYSTIAN**(b) County of Residence of First Listed Plaintiff Monmouth  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Theodore Campbell, Law Offices of Theodore Campbell, 1050 George Street, Suite 3-0 New Brunswick, NJ 08901  
732-828-4393**DEFENDANTS**

Borough of Red Bank, Stanley Sickels, Art Murphy, Eugenia Poulous, and Tamila Bumback

County of Residence of First Listed Defendant Monmouth  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Bruce W. Padula, Esq.- Cleary Jacobbe Alfieri Jacobs, LLC  
955 State Route 34, Suite 200  
Matawan, New Jersey 07747 (732) 583-7474**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C 1981 and 1983

Brief description of cause:

Plaintiff claims her civil rights were violated by Defendants' alleged constructive discharge of her employment

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

11/21/2017

SIGNATURE OF ATTORNEY OF RECORD

/s/ Bruce W. Padula

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

BRUCE W. PADULA, Partner  
bpadula@cgajlaw.com

Reply to: Matawan Office

November 21, 2017

**Via Electronic Filing**

William T. Walsh, Clerk  
United States District Court  
Clarkson S. Fisher U.S. Courthouse  
402 East State Street, Room 2020  
Trenton, New Jersey 08608

Re: Memone Crystian, et al. v. Borough of Red Bank, et al.  
Docket Number: MON-L-1982-17

Dear Mr. Walsh:

With respect to the above-referenced matter, enclosed please find a Notice of Removal with Certification of Service, Civil Cover Sheet and Disclosure Statement in the above-captioned matter. I have also provided the appropriate credit card payment in the amount of \$400.00 representing payment for the filing of these documents.

Thank you for your courtesies.

Very truly yours,



Bruce W. Padula

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